

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:08-CR-00223-RJC

USA

v.

EDUARDO VAZQUEZ

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se, (Doc. No. 37), to reconsider the Court's denial, (Doc. No. 36: Order), of his motion for a sentence reduction under the First Step Act, (Doc. No. 35).

The defendant subsequently filed a notice of appeal challenging the same decision. (Doc. No. 38 at 1). Accordingly, the Court does not have jurisdiction to entertain his motion to reconsider. See Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58, (1982) ("The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."); and Fed. R. App. P. 4(b)(5) (district court retains jurisdiction to correct a sentence under Fed. R. Crim. P. 35(a) in criminal cases).

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 37), is **DENIED** without prejudice.

The Clerk is directed to certify copies of this Order to the defendant and the United States Attorney.

Signed: June 27, 2019

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

